

### **REMARKS**

Under the *Information Disclosure Statement* section in the office action, the Examiner kindly pointed out Applicants mistakenly missed submitting a reference or references on a separate piece of paper. This error is hereby remedied.

Claims 9, 12 were objected to due to technicalities. The missing period has been included in claim 9. Claims 11 and 12 have been amended to include “at least one heavy tooth,” as supported by **Fig. 3a** and the description thereof.

Claims 9–10, 15, 17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 9 has been amended to distinguish the tooth with a larger angle from other teeth in the pickup header.

Claims 15 and 17 have been amended to claim the non-use of gauge wheels to support the pickup header. This modification is supported by **Figs. 1, 2a, 2b, 5a, and 5b** and in the *Background Art* section.

Claims 1–17 have been rejected under 35 U.S.C. 102(b) as being anticipated by Ratzlaff et al. (U.S. Patent #6,029,434). This rejection is respectfully traversed.

With regard to claims 1 and 8: Ratzlaff et al. do not disclose “a pair of augers on at least one of a right side and a left side of the pickup header.” Ratzlaff et al. disclose the use of only a single auger on a given side of their header. As described in the instant application, an advantage is gained by the use of a pair of augers on a single pickup header side in that plant material is less likely to build up or wrap around the augers due to their scraping action against one another. Claim 1 has been currently amended to emphasize that a pair of augers will be found on one, the other, or both sides of the pickup header.

Regarding claims 4, 5, 6, 11, 12, and 13: insofar as Ratzlaff et al. do not disclose a deflection force for their teeth, it would appear inappropriate to reject this claim based on 35 U.S.C. 102(b). This aspect is not anticipated by Ratzlaff et al.

Claims 7 and 14 specifically recite speed differences between the augers in a pair of augers at *a single side* of the baler – either left or right. Because Ratzlaff et al. do not disclose the use of a pair of augers on a single side of the baler of their invention, they did not disclose this feature. In addition, because Ratzlaff et al. did not disclose driving their augers at different speeds, it would, again, appear improper to reject claims 7 and 14 on 35 U.S.C. 102(b).


As claims 2–7 and 17 depend on claim 1 and claims 9–16 depend on claim 8, and because it has been clearly shown that claims 1 and 8 were not anticipated by Ratzlaff et al., and are therefore allowable, claims 2–7, 9–16, and 17 are also believed to be allowable.

The Examiner referred to the listing of references in the patent application as an improper information disclosure statement. Enclosed with this Amendment, please find Applicant's Supplemental Information Disclosure Statement that includes the references listed in the application.

Accordingly, because all remaining claims 1–17 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

JERRY E. BANDSTRA et al

By:   
Michael O. Sturm  
Reg. No. 26,078

STURM & FIX LLP  
206 Sixth Avenue, Suite 1213  
Des Moines, Iowa 50309-4076  
Phone: 515-288-9589  
Fax: 515-288-4860